

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michael Heyward

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

COMPLAINT

Female Desk Sergeant of Transit District
12:6:30pm - 8pm who rendered the
decision to remand me because of
Criminal history on February 2 of 2025

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

IV - The right... against unreasonable searches/seizures
V - Denial of Due Process
IX - Shall not... deny or disparage other Rights
VIII - Cruel and Unusual Punishment

B. If you checked Diversity of Citizenship**1. Citizenship of the parties**

Of what State is each party a citizen?

The plaintiff, Michael Heyward, is a citizen of the State of
 (Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Unknown(F) Desk Sergeant, is a citizen of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Michael</u>	<u></u>	<u>Heyward</u>
First Name	Middle Initial	Last Name
<u>409 East 64th street Apt. 4D</u>		
Street Address		
<u>New York</u>	<u>N.Y.</u>	<u>10065</u>
County, City	State	Zip Code
<u>(347)683-0758</u>	<u></u>	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Female Desk Sergeant On Duty February 2, 2025
 First Name _____ Last Name 6:30pm - 8pm
Transit Police Sergeant
 Current Job Title (or other identifying information) _____
460 Morris Park Avenue
 Current Work Address (or other address where defendant may be served) _____
Bronx N.Y. 10460
 County, City State Zip Code

Defendant 2:

First Name _____ Last Name _____

 Current Job Title (or other identifying information) _____

 Current Work Address (or other address where defendant may be served) _____

 County, City State Zip Code

Defendant 3:

First Name _____ Last Name _____

 Current Job Title (or other identifying information) _____

 Current Work Address (or other address where defendant may be served) _____

 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: Transit District 12Date(s) of occurrence: February 02, 2025**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Defendant rendered a dangerous, faulty and illegal decision to remand me based on Criminal History because:

- 1- Such decisions are not within defendants authority, practice or area of expertise. She is to focus on the crime at hand and its logical outcome. Or, await the advice of an ADA.
- 2- By going into background, defendant can not consider 1 aspect ONLY. My background is NOT ONLY criminal history, it is decorated with accomplishments and humanitarianism. None of which was considered because it was not known to her.

3- Because of her illegal decision I stayed over 48 hours in lock up for a violation that was "declined prosecution" which I should have waited in the precinct for.

~~INJURIES:~~

Reliefs

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Compensatory- Loss Wages - 2 days at approx. \$170
2 days at lock up rate

Punitive - \$25,000 to deter future acts of same conduct

Injunction - Defendant is not educated in the proper formulas for making such decisions and should be cautioned against it.

IV. ~~RELIEF~~

Injuries

State briefly what money damages or other relief you want the court to order.

- Loss Wages of days
- 2 days of Unnecessary lock up (especially when fare evasion is \$100. They give you ticket, but let you on. I never was let on, so my charges was "Intent"/Fraud. Obt. Trans. w/o Pay and Theft of Services". Barring extingent circumstances these charges are always "Declined Prosecution" because there's NO CRIME to prosecute.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

March 10, 2025
 Dated

Michael Heyward
 Plaintiff's Signature

Michael
 First Name

Heyward
 Last Name

409 East 64th Street Apt #4D
 Street Address

New York
 County, City

N.Y.
 State

10065
 Zip Code

(347) 683-0758
 Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

① Desk Sergeant (Female), acting under duty, did render a faulty and unjust decision, which resulted in excessive loss of liberty; loss of job wages; and damage to my mental health in the form of anxiety/panic attacks.

② Said Desk Sergeant, did make a decision to send Michael Heyward to Bronx Central Bookings on Sheridan, for the following:

- a. Theft of Services
- b.

A "violation" which Desk Sergeant, and All precinct officers KNEW would result in a "D.P." or "Decline to Prosecute"

③ Said Desk Sergeant based her decision on my "criminal history", which, alone, is an insufficient quality to base this decision on.

For example:

Plaintiff recently successfully completed Probation on January 19th of 2025.

This information was not known by the Desk Sergeant, and she did not care to hear any rebuttals in the form of accomplishments to measure against criminal history.

Furthermore, relying on a mere "list of convictions", lacks sufficient information to make a sound, educated decision.

Desk Sergeant, obviously, is not well versed with ALL the parameters and informations considered when one is using criminal history to guide a decision.

Federal actions won't use ANY Conviction over 20 years old.

Desk Sergeant considered it all, convictions from 1993, 1995. 30 years in the past.

Federal actions do consider a person's "good deeds", you are given a chance to speak on your behalf. The Court gives great weight to a defendant's sentencing speech.

Whether facing state or federal charges, parole or probation violations, one is ALWAYS afforded the opportunity to defend or refute.

On this day, Desk Sergeant acted as a dictator. She became judge, jury and executioner.

Desk Sergeant (female) in effect, turned what should have been 3-4 hours in a precinct, waiting for a Desk Appearance Ticket or a "Declined Prosecution" from a D.A., into a 48 hour Central Booking stay. After the 48 hour stay, the violation was "D.P.ed". You had turnstyle hoppers held in the same holding pens as those facing 160.10 Robbery 2, various serious assaults, including 1 on an off duty police officer (with a taser).

Cause to Action

I was deprived of liberty and property, and LIFE, to an extent without due process of law.

Once said desk sergeant considered "Criminal history" she triggered due process of law. Some of this criminal history considered is 30 years old (Convictions in 1992, 1993 and 1994)

History beyond consideration for federal convictions.

Lo and Behold, Plaintiff has a host of good deeds, worth mentioning, to counter criminal history.

#1- Plaintiff recently completed probation on January 19th of 2025

#2 Plaintiff is member of the Lions Club of Red Hook Community organization whose sole purpose is to serve the less fortunate. Under the Lions Club Banner:

I grill for the entire project in June/July. C-Town donates all the food.

I'm on the grill from about 10 am - 5 pm cooking hot dogs and hamburgers for everyone, and anyone, who happens pass.

- In September we do a school supply giveaway

- In November we do a Turkey giveaway

- In December we do a Toy giveaway.

In December of 2023, I received a city citation from a Brooklyn Councilman for my humanitarian efforts

Yes, I was denied my 5th Amendment right to due process of the law.

On face, Theft of Services, is ALWAYS dealt with in the same manner. Remain in the precinct

and wait to be given a D.A.T.
or a D.A.s decision to "D.P."

There were no circumstances
that warranted my going to
central bookings.

I was exceptionally respectful
and cooperative with the
arresting officers, and they told
desk sergeant this.

- Said Desk Sergeant violated my
8th Amendment right barring
Excessive Fines, Cruel and Unusual
Punishment

Fare Evasion has a penalty of \$100

A day in Central Booking tallies at
\$150 - \$200 depending on conditions.

- No pay phones !!!

- Dirty cells (I begged to clean myself)

- No separation of crime classifications
(Theft of Services in pens with murderers)

- Poor quality of food (late if it comes, slices of

bread with a thin band of a peanut butter and jelly mixture, *Especially when allergies to peanuts and peanut butter is so prevalent. Better off with cold cuts and cheese.

- Ninth Amendment "Other (RIGHTS) retained by the people

(- Wherefore, said desk sargeant's erroneous thoughts, actions and decision triggered rights and protections not surrendered by me, a violation of these rights has occurred and MUST be identified and corrected.

○ Penalties Requested

- Desk Sargeants decision effectively made me miss a Monday of work, and a Tuesday of work.

Plaintiff has worked at E.C.I. Inc. for 17 years, dating back to 2008.

Plaintiff is a full-time, 5 day a week employee. Compensatory

- Plaintiff also requests 2 days pay for captivity in Central bookings which is NEVER the penalty for fare evasion.

This shall be paid at the rate of \$150-\$200 per day, Captivity rate, with considerations given for conditions and hardships. Compensatory

- Punitive Damages.

Desk Sargeants abuse of power and discretion can not go unchecked. The threat to life is too great. If she sends the wrong person to Central Bookings, things can turn fatal. This is not a game, and this situation can't

be treated as such. Her decisions and actions are detrimental and can garner catastrophic results. It is evident that Desk Sergeant overstepped her boundaries when rendering such decision. Plaintiff has found NO language in any rule, regulation or code of conduct, that allows for Desk Sergeant to go beyond the situation in front of her, to find reason and/or mechanism to further one's captivity, in essence, elevating its level. She hasn't the practice, nor capacity for it. More training is required for those calculating those types of decision.

1 thread doesn't define the garment!

She focused on only 1 item in making her decision.

Criminal History!!!

We are all in agreement, 1 does not focus on 1 item to render any decision.

This is an incomplete and foolish decision lacking merit. There are many factors that MUST be taken into

Consideration.

To make Desk Sergeant fully understand the ineptitudes of her thought processes, actions and decision making...

To make Desk Sergeant fully understand that such decisions are beyond the scope of her duties, capabilities and mental prowess, I ask this Court to award Punitive damages in the amount of \$10,000.

I pray for these reliefs, and any other awards this Court deems fit and proper.